

REMARKS / ARGUMENTS

**A. Generally**

Claims 1-9 and 19-35 are pending in the Application. Claims 1, 4-9, and 19 have been amended. Claims 10-18 have been canceled. Claims 20-35 have been added.

**B. Drawing Objections**

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(4) and p(5) because of various defects in the use of reference characters, because certain reference signs mentioned in the description were not include in the drawings, and because certain reference signs used in the drawings were not mentioned in the description.

Applicant has provided replacement drawing sheets illustrating Figures 2A, 2B, and 2C to the correct certain defects noted by the examiner. Applicant has also revised the Specification to correct other drawing defects. Applicant submits that the drawings and the Specification as revised are in compliance with 37 CFR 1.84 ¶ (4) and ¶ (5).

**C. Claim Objections**

Claim 9 was objected to because of a missing word in a recited limitation. Applicant has amended claim 9 thereby rendering this objection moot.

**C. Claim Rejections**

**CLAIM REJECTIONS - 35 USC §112**

Claims 12-14 have been rejected under 35 USC §112 first paragraph as failing to comply with the written description requirement. The examiner found that claims 12-14 contain subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. In particular, the examiner found that the claimed "preference information" is not disclosed in the specification. Claims 12-14 of the application have been canceled thereby rendering this rejection moot.

Claim 15 has been rejected under 35 USC §112 second paragraph as being indefinite. Claim 15, as filed, was incomplete in that claimed limitations were not recited. Claim 15 of the application has been canceled thereby rendering this rejection moot.

### CLAIM REJECTIONS - 35 USC §102

Claims 1, 3-9, 17-19, and 21 have been rejected under 35 USC §102(e) as being unpatentable over International Publication WO 99/63759 of an application entitled, "Television Delivery System," filed by Cameron et al. (herein, "Cameron"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP §2131 8<sup>th</sup> Ed. (Rev. 1). In order for a patent claim to be anticipated, the prior art reference must teach or suggest each and every limitation of the claimed invention.

Additionally, when applying a reference to the pending claims of an application, the pending claims must be "given their broadest reasonable interpretation consistent with the specification" *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). In *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997), the court held that the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification." The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). See, MPEP §2111 (8<sup>th</sup> Ed., Rev. 1).

Applicant submits that if the pending claims of the present application are examined with full appreciation of the meaning ascribed to the terms used in the claims by the specification, it will become clear that the cited prior art does not teach the limitations of the pending claims.

Claim 1 (as amended) of the present application recites the following limitations:

A method for multi-casting video content to plural user computers, the method comprising:

distributing a video content program from a content center to plural regional data centers via an open network;

distributing the video content program from each of the plural regional data centers to user computers network-connected to the plural regional data centers according to a multi-cast protocol;

transmitting non-video data related to the video content program to the

user computers; and  
displaying the non-video data on the user computers contemporaneously  
with the video content program.

The examiner found that Cameron taught or disclosed each of these limitations. Cameron describes systems and methods directed to delivering a TV broadcast from a broadcast provider to a subscriber over a broadband, IP enabled network. The method comprises obtaining broadcast TV signals for the broadcast provider; converting the broadcast signals to IP format, transmitting the converted signals over the network, and providing a management function to manage a subscriber's access to broadcast signals. Cameron also describes providing users access to an Interactive Program Guide (IPG), web browsing, e-mail, and other services.

Claim 1 (as amended) recites the limitations, “transmitting non-video data **related to the video content program** to the user computers and displaying it on the user computers **contemporaneously with the video content program.**” The examiner found this limitation in Cameron at page 8, lines 5-23:

These include but are not limited to billing and reporting, Interactive Program Guide (IPG) access, connection and channel packaging service and information banner service.

Figure 4 is an operational view of the system shown in Figure 3. The Digital Subscriber Line Access Multiplexer (DSLAM) 18 at the edge of the high speed IP network is a network device which may be located at a telephone company central office. The DSLAM enables a telephone company to provide subscribers with XDSL, such as ADSL, technology and to connect the subscriber to a fast backbone such as an ATM network. The ATM network routes the various broadcast services, previously mentioned, to the DSLAM which, in turn makes them accessible to subscribers via their computer 30 and/or set top box 22.

Figure 5 shows in a layer format the relationship between service and resource providers respecting the overall TV broadcast delivery system.

Concluding that Cameron discloses the transmission of Interactive TV, Web Browsing, Web-based e-mail, IPG, VOD and pay-per-view services through a DTVM interface is not dispositive of the question of whether the limitations of the claims at issue are taught or disclosed by Cameron. The claim limitation makes it clear that the non-video data of the claimed invention is related to the video content program and is displayed contemporaneously with the related video content programming. Even assuming that some of the listed services of Cameron

may qualify as non-video data, Cameron does not teach or disclose whether these service are related to the video content program being viewed. Nor does Cameron teach or disclose contemporaneously displaying the non-video data with the video data.

Cameron does not, therefore teach or disclose all of the limitations of claim 1 (as amended) and does not, therefore anticipate claim 1 (as amended).

Claim 3 and claims 4-9 (each as amended) depend directly or indirectly from claim 1 (as amended) and therefore recite all of the limitation of that claim. Claim 3 and claims 4-9 (each as amended) therefore recite a limitation not taught or disclosed by Cameron and are, therefore, not anticipated by Cameron.

Claim 5 (as amended), which depends from claim 1, recites the following limitations in addition to the recited limitations of claim 1 (as amended):

The method for multi-casting video content of claim 1, wherein the distribution network is interactive and wherein the non-video data comprises an object button responsive to a means of user selection, and wherein the object button comprises a link associated with an object selected from the group consisting of a program-related video game, a program-related advertisement, a program-related service, and program-related merchandise.

In the examination of claim 5 as originally presented, the examiner found a claimed "object button" was disclosed in Cameron by the following:

According to the present invention the system has the ability to script, send and display messages to a client device screen in real time. Mechanisms used to accomplish this include IP multicast and/or SNMP. Messages may include icons that relate to the message available to be viewed. The user can press a key on a remote device to retrieve the corresponding message via SNMP or Unicast. The messages can include, for example, calling line ID notifications and message waiting indicators. (Cameron, p. 13, lines 28-33.)

The examiner equated the "icon" of the quoted excerpt to the "object button associated with an object in the content program" recited in examined claim 5. However, it is clear that the Cameron icon is associated with a message, not an object in the content program. Further, nothing in Cameron relates the messages to the content programming. Cameron, does not therefore, teach or disclose this limitation. For similar reasons, the "object button responsive to a means of user selection" recited in claim 5 (as amended), which is also related to the content of the programming, is not disclosed by Cameron.

In rejecting original claims 7-9, the examiner relied on the disclosure in Cameron relating

to an interactive program guide (IPG) to reject limitations directed to interactivity resulting from a user selection of an "object button." This reliance is, however, misplaced. The object button (recited in examined claim 5 from which claims 7-9 depend) is expressly associated with an object in the video content. An IPG allows a user to obtain information about programming, but the links in the IPG are independent of the program itself. Cameron makes this quite clear:

The subscriber accesses the IPG through the set top box or through the computer software. In the set top box implementation some memory may be available locally for storing specific information, or alternatively, the entire IPG is maintained in the network. The subscriber typically has a remote control or keyboard for interfacing with the IPG displayed on the television or computer monitor. Cameron, p. 9, lines 13-17.

The IPG implemented by Cameron has no direct association with the video programming and does not, therefore, teach the interactivity claimed in the original claims or in the claims as amended.

Claim 19, as filed, was rejected for many of the reasons proffered to reject claim 1, as filed. Claim 19 (as amended), recites the following limitations:

A system for multi-casting video program content and non-video data over a distribution network, the system comprising:

- a video program content;
- a non-video data contextually related to the video program content;
- a multicasting computer comprising adapted to:
  - receive the video program content;
  - receive the non-video data;
  - distribute the video content program via a distribution network according to a multi-cast protocol; and
  - transmit the non-video data contemporaneously with the video program content over the distribution network; and
- a user computer adapted to display the non-video data contemporaneously with a display of the video program content.

With regard to the limitation, "a non-video data contextually related to the video program content," the examiner noted that the limitation was "met by the IPG information [page 9, lines 9-23], which is related to the video program content in that it provides an interactive schedule." The examiner also found that features that make the Cameron system interactive (information

banners, Web browsing, Web-based email, VOD, and pay-per-view services) all relate to the video program content. While these features might make Cameron interactive, Cameron does not teach that these features are contextually related to the video program. An IPG allows a user to obtain information about programming, but the links in the IPG are independent of the program itself. (See, Cameron, p. 9, lines 13-17 quoted above).

The IPG implemented by Cameron has no direct association with the video programming and does not, therefore, teach the interactivity claimed in the original claims or in the claims as amended.

Claim 19 (as amended) further recites the limitation, "a user computer adapted to display the non-video data contemporaneously with a display of the video program content." As previously described, Cameron does not teach or disclose the contemporaneous display of video content and non-video data.

#### CLAIM REJECTIONS - 35 USC §103(a)

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP §2143.03, 8th Ed. (Rev. 2, 2004).

Claims 2 and 20 have been rejected as being unpatentable under 35 USC §103(a) over Cameron. Claim 2 depends from claim 1 (as amended). As claim 1 (as amended) is allowable over the Cameron, claim 2 is not obvious in light of Cameron. Claim 20 depends from claim 19 (as amended). As claim 19 (as amended) is allowable over the Cameron, claim 20 is not obvious in light of Cameron.

#### NEW CLAIMS 22-35

New claims 22-26 depend directly or indirectly from claim 19 (as amended). Applicant has demonstrated that claim 19 (as amended) is allowable over Cameron. For this reason, Applicant submits that claims 22-26 are also allowable over the cited prior art.

New independent claims 27 recites limitations not taught or disclosed by Cameron, particularly, "wherein the video content program comprises an active portion responsive to user selection means," and associating non-video data with the active portion. Claims 28-35 depend directly or indirectly from claim 27. For this reason, Applicant submits that claims 27-35 are

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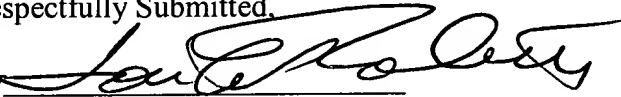
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allowable over the cited prior art.

**C. Conclusion**

Applicant respectfully requests reconsideration of the current rejection of the claims now pending in this application in view of the above amendments, remarks and arguments. Should any further questions arise concerning this application or in the event the above amendments do not place the application in condition for allowance, applicant respectfully requests a telephone interview. Attorney for the applicant may be reached at the number listed below.

Respectfully Submitted,

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ATTACHMENTS  
REPLACEMENT SHEETS  
ANNOTATED DRAWINGS SHOWING CHANGES



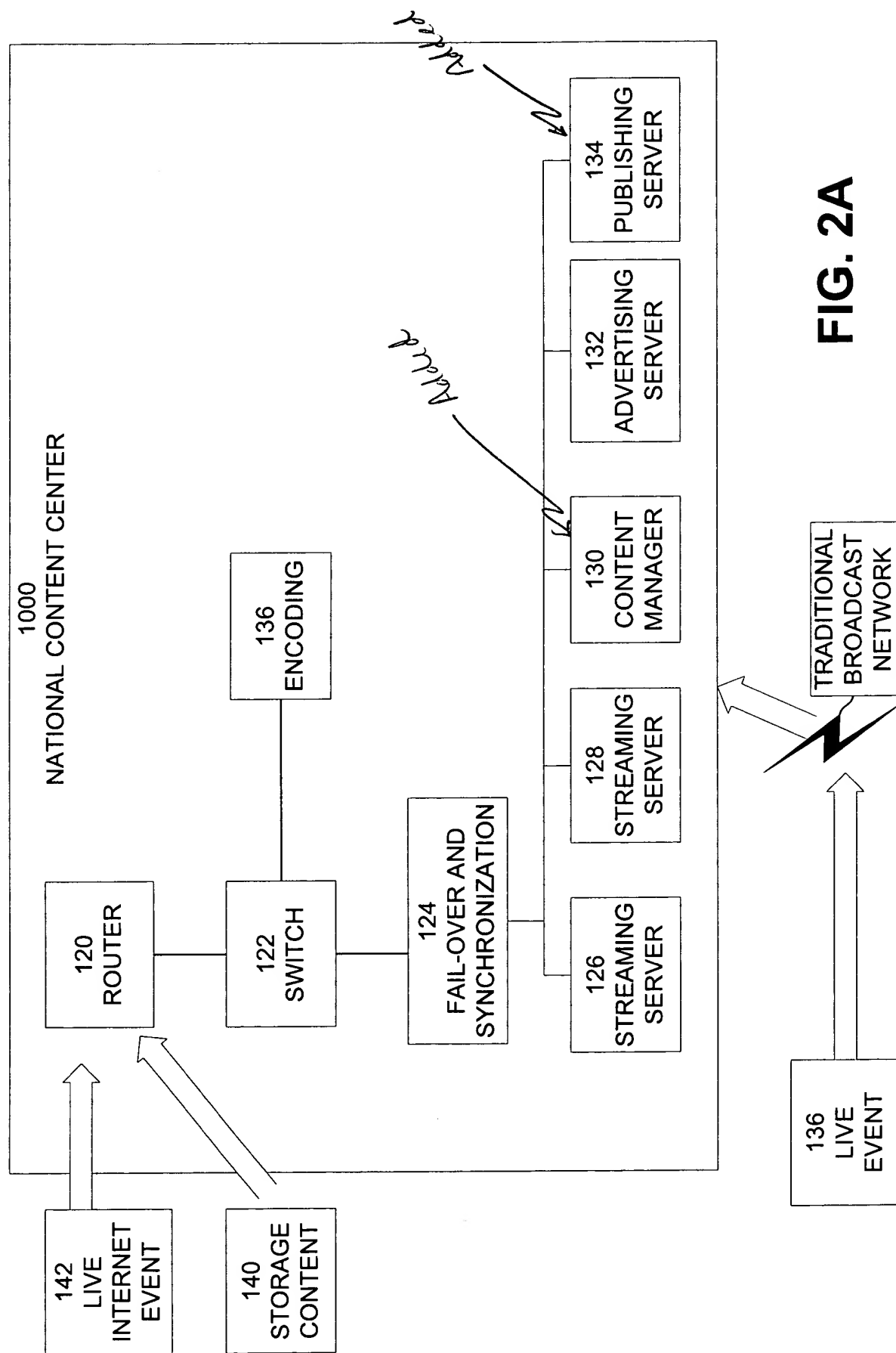
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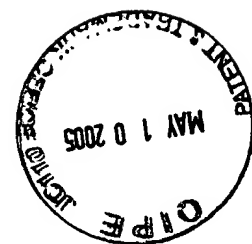
/ **Amendments to the Drawings:**

The attached replacement sheets of drawings reflect changes to Figures 2A, 2B and 2C.

Annotated drawing sheets showing the changes made are also attached.



**FIG. 2A**



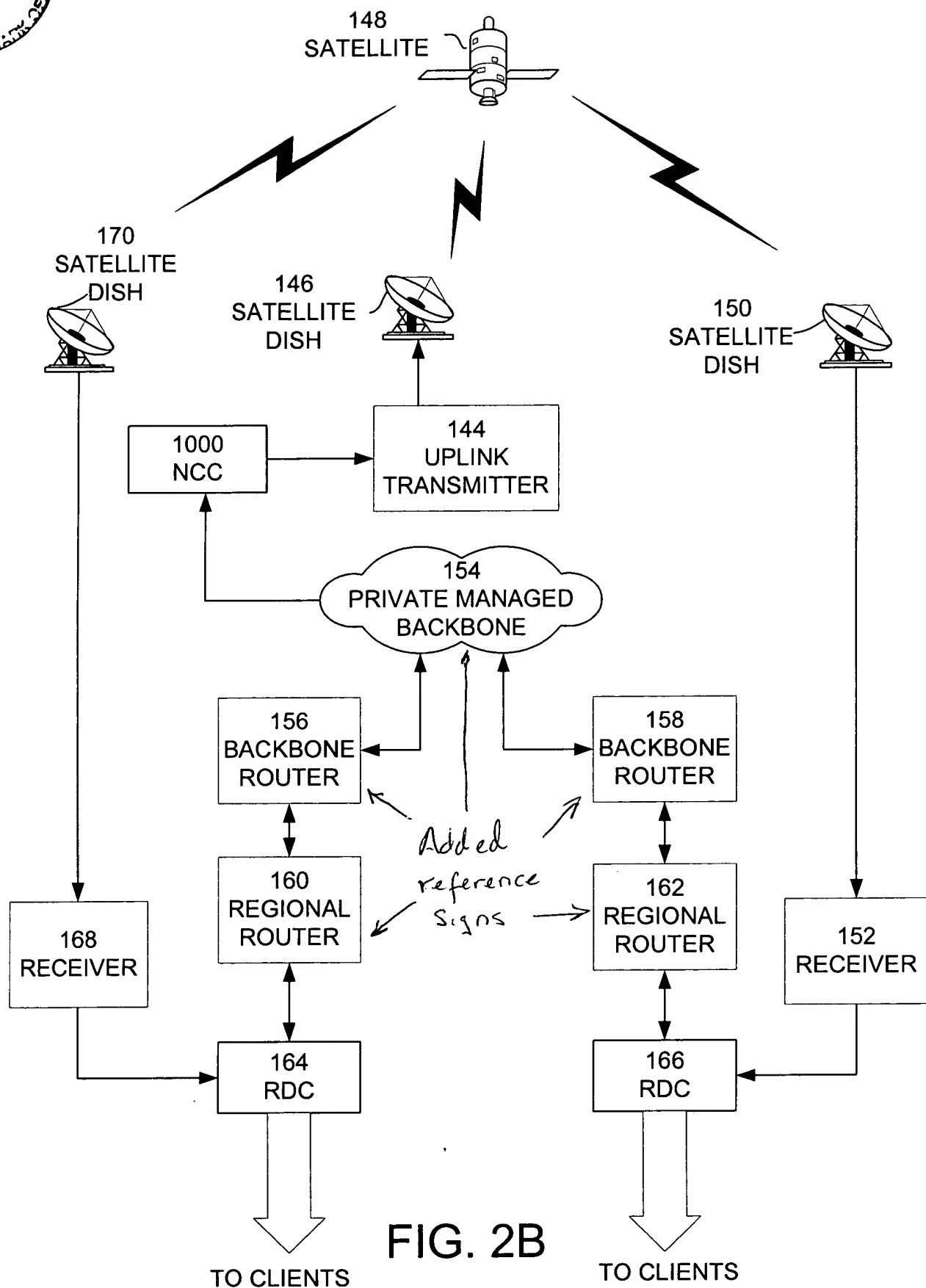
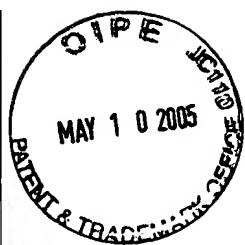


FIG. 2B

FIG. 2C

